

MARTIN D. BERN (State Bar No. 153203)
Martin.Bern@mto.com
MALCOLM A. HEINICKE (State Bar No. 194174)
Malcolm.Heinicke@mto.com
MUNGER, TOLLES & OLSON LLP
560 Mission Street, Twenty-Seventh Floor
San Francisco, CA 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077

Attorneys for Defendant
GUARDSMARK, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHNNY MCFARLAND, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

GUARDSMARK, LLC, and Does 1
through 50, inclusive,

Defendant.

CASE NO. CV 07-03953 PJH

**STIPULATION AND [PROPOSED]
ORDER RE BRIEFING ON CROSS-
MOTIONS FOR PARTIAL SUMMARY
JUDGMENT**

Judge: Honorable Phyllis J. Hamilton
Date: February 13, 2008
Time: 9:00 a.m.
Ct rm: 3, 17th Floor
Complaint Filed: May 23, 2007

WHEREAS, Defendant Guardsmark, LLC filed a 10-page Motion for Partial
Summary Judgment on January 9, 2008;

WHEREAS, Plaintiff Johnny McFarland also filed a 10-page Motion for Partial
Summary Judgment on January 9, 2008;

WHEREAS, Plaintiff filed an Opposition to Defendant's Motion on January 18,
2008;

WHEREAS, Defendant's Opposition brief to Plaintiff's Motion for Partial
Summary Judgment is due to be filed no later than January 24, 2008,

WHEREAS, it is understood that Guardsmark opposes Plaintiff's Motion and
Plaintiff opposes Guardsmark's Motion;

WHEREAS, the parties have met and conferred to discuss the potential for reducing the number of briefs filed with the Court in connection with their cross-motions for partial summary judgment;

IT IS HEREBY STIPULATED THAT:

1. Defendant shall file a single brief not to exceed 10 pages in length that shall constitute its (1) Opposition to Plaintiff's Motion for Partial Summary Judgment, and (2) Reply in support of Defendant's Motion for Partial Summary Judgment;
2. Defendant's combined Opposition/Reply Brief shall be filed no later than January 25, 2008;
3. Plaintiff's opposition brief, filed on January 18, 2008, shall also constitute Plaintiff's Reply brief in support of his Motion for Partial Summary Judgment;
4. No further briefs will be filed on either of the two pending motions.

DATED: January 23, 2008

MUNGER, TOLLES & OLSON LLP

By: /s/ Martin D. Bern
MARTIN D. BERN

Attorneys for Defendant
GUARDSMARK, LLC

DATED: January 23, 2008

QUALLS & WORKMAN, L.L.P.

By: /s/ Robin G. Workman
ROBIN G. WORKMAN

Attorneys for Plaintiff
JOHNNY MCFARLAND

IT IS SO ORDERED.

DATED: January 24, 2008

